

U.S. Patent Application Serial No. 10/541,454
Amendment filed July 30, 2010
Reply to OA dated February 12, 2010

REMARKS

Claims 12-16 are pending in this application. Claims 12-16 are amended herein. Upon entry of this amendment, claims 12-16 will be pending. Entry of this amendment and reconsideration of the rejections are respectfully requested.

No new matter has been introduced by this Amendment. Support for the amendments to the claims is detailed below.

Claims 12-16 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action paragraph no. 2)

The rejection is overcome by the amendments to claims 12-16.

a) The Examiner states that the wording “an average particle diameter (major axis diameter) in the range ...” is unclear.

The claims have been amended for clarity to recite “an average particle major axis diameter.” The deleted term “diameter” was more general than “major axis diameter” and was redundant in the claim.

b) The Examiner states that in claims 13-15, it is unclear what is being characterized.

Applicant submits that it was clear that the phrase “characterized in that” referred to the method as being characterized. However, for clarity, claim 12 has been amended to delete the phrase

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“characterized in that” and to recite “the method comprising the steps of,” with the two recited steps separated by line indentations. Claims 13-15 have been correspondingly amended.

In addition, since the method of claim 12 recites mixing the rare earth metal-containing magnet powder with the treating solution, this recitation in claim 13 was redundant and has been deleted in claim 13. In addition, claim 13 has been amended to clarify that the filtration step occurs before the drying step.

c) The Examiner states that in claim 16, it is unclear whether “with one or more interposed layers of coating films” includes the adhesion layer.

For clarity, claim 16 has been amended to delete the recitation of the “interposed layers” and the “outermost layer” in the preamble. The recited method will inherently produce a product in which the coating films are located between the magnet powder particle and the adhesion layer.

Claims 12-16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ochiai [JP 64068313] in view of Hashizume [JP 10-168339]. (Office action paragraph no. 3)

The rejection is overcome by the amendment to the claims limiting the “pigment” to an “organic pigment.” Support for this amendment may be found, for example, at page 12, last paragraph, of the specification.

Applicant submits that Ochiai discloses only rutile titanium oxide, anatase titanium oxide, zinc oxide, zirconium oxide, zinc sulfide, barium sulfate and talc as examples of the “white

pigment.” Therefore, Ochiai can only be considered to suggest an inorganic pigment as the “white pigment.”

Moreover, Applicant submits that there are unexpected advantages commensurate with the use of an organic pigment in place of an inorganic pigment. As discussed beginning at page 13, line 3, of the specification, when an organic pigment is used as the pigment, the rare earth metal-based magnet powder having on its surface an adhesion layer containing the organic pigment as a primary component imparts appropriate viscoelasticity and excellent fluidity, and absorbs and relaxes the stress that is applied during compression molding. This prevents the generation of new broken surfaces due to the breaking down of the magnet powder.

With regard to the combination with Hashizume, the Examiner cites Hashizume for the disclosure at [0035] that magnetic particles are dispersed in a treating solution containing resin. However, Applicant submits that in [0035], the “primary colored magnetic metal flake” is covered with resin. That is, the metal flake is **already colored**, and there is no pigment in a solution in this step. This step only covers this flake with resin.

In fact, paragraph [0031] of Hashizume discloses: “As a method of distributing a color pigment, the dispersion method using the tumbling media by ball mill, bead mill, a sand mill, etc., is preferred.” That is, in Hashizume, the pigment is applied to the magnetic flakes in a dry mill process, and is **not applied in a treatment solution**.

Moreover, in [0035], the colored magnetic flakes are dispersed in a solvent containing a monomer and benzoyl peroxide, and a polymerization initiator is added, such that the monomer **polymerizes** on the surface of the flake.

By contrast, claim 12 is reciting a treatment that does **not** involve polymerization, but only involves **drying**. See, for example, page 16 of the specification. In addition, page 17 of the present specification states: “however, this adhesion layer is formed, not by a chemical reaction in which the magnet powder component is incorporated, but by the intermolecular force adsorption of fine pigment particles”

With regard to claim 13, the Examiner cites [0043] of Hashizume as disclosing filtration of the after-processing slurry. However, paragraph [0043] of Hashizume discloses collection of the particles **after** the polymerization process. This is irrelevant to claim 13.

With regard to claim 14, the Examiner states vaguely that “Ochiai in view of Hashizume teaches the pigment content may range from 1-100 weight section.” Applicant respectfully submits that this statement appears to be irrelevant to the limitation of claim 14. As noted above, Hashizume never discloses any treatment solution containing pigment—the pigment is applied in a mill (i.e., dry) process (see [0031]).

These arguments are also applicable to claims 15 and 16.

To summarize, Hashizume does not disclose any process involving a pigment in a treatment solution and cannot be combined with the Ochiai reference.

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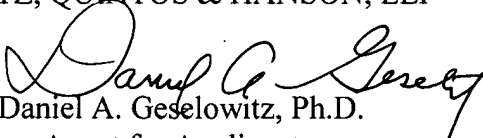
Accordingly, claims 12-16 are not obvious over Ochiai [JP 64068313] and Hashizume [JP 10-168339], taken separately or in combination.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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Enclosure: Petition for Extension of Time